

Subject: RE: More on Status of Manuscript Review (PRB 12885-05)

From: "Tom Waters" [REDACTED] (b)(6)

Date: Sun, 8 Jan 2006 23:06:15 -0500

To: [REDACTED] (b)(3) CIAAct
(b)(6)

[REDACTED] (b)(3) CIAAct
(b)(6)

I can find no source to corroborate your position on the 30 day review. I've spoken to attorneys knowledgeable in these matters who cite relevant cases that also contradict it. The CIA's own journal makes it clear the secrecy agreement enforcing AR 6-2 is a legitimate restraint provided "it is limited to the deletion of classified information, and so long as a review of a proposed publication is conducted and a response given to its author within 30 days". It further states the Board members are to help make a decision "within the 30-day limit prescribed by the courts", but the PRB Chairman is empowered to make decisions on the Board's behalf on his own. (*Studies in Intelligence*, Spring 1998)

(b)(3) CIAAct
(b)(6)

I spoke with [REDACTED] prior to writing the first word of Class 11 and sought his guidance several times prior to submission of the original manuscript. The review process has gone on for two years, with no response from PRB in 2005, despite submission of two small sets of changes (May & Sept) and the final manuscript in October.

(b)(3) NatSecAct
(b)(5)

I need PRB's written response this week in order to make our long set publication date. Failing that, I have no choice but to take the necessary legal action to force a response. I'm getting inquiries from national media organizations. I implore you to resolve the issue this week and prevent any unnecessary attention to this matter.

Best,

Tom Waters

-----Original Message-----

(b)(3) CIAAct
(b)(6)

From: [REDACTED]

Sent: Tuesday, January 03, 2006 3:24 PM

To: Tom Waters

Subject: Re: More on Status of Manuscript Review (PRB 12885-05)

Tom -

Appreciate your note. To clarify what our current process and policy is

now (and has been substantially the same for the past 10 years or so): the Agency will attempt to review and respond to an author's submission within 30 days. This time limit is an administrative guideline and, depending on the complexity and length of the material, can be longer. This process can be further lengthened when additional re-writes of various segments of the original submission, which includes new material, is serially submitted over a period of time and must be separately handled and reviewed. The long and short of it is that we make every attempt to make the process as efficient and quick as possible, but we may not always meet a 30 day deadline. Our mandate is to ensure that classified information is safeguarded and that process often takes coordination with multiple offices, both internally and externally. In any event, if we exceed the 30 days, there is not an automatic default of approval -- you must wait for our explicit approval to publish (i.e., share the material with someone else).

We realize that this process has been extended and that you are anxious to get it resolved soonest. We would like to do the same and believe that our final review and internal coordination will take place shortly. We will be back in touch soon.

Tom Waters wrote: (b)(3) CIAAct
(b)(6)

Good morning [redacted]

I believe I've long since complied with all of the redactions you made last year, including the insertion of additional materials you felt helped frame certain scenes or issues. I've not received any other written statements from CIA regarding other issues of classification or other required changes. (b)(3) CIAAct
(b)(6)

I'm looking at the briefing materials [redacted] provided to us in 2003 where he cites a "prior restraint with 30 days for review and response to author". Has that standard changed in some way that I am not aware of? I've provided manuscript updates throughout 2005 and received no additional redactions or written correspondence. As he explained it, AR 6-2 places the burden on CIA to respond by a stated deadline, (30 days), the failure of which releases the author from further delay, restrictions, or culpability.

(b)(6)

Is [] still with the Agency? Can you provide an open side email address for him, or provide his phone number? I think his experience, legal counsel, and familiarity with this project is invaluable at this stage.

Best,

Thomas Waters

(b)(3) CIAAct
(b)(6)

-----Original Message-----

From: []

Sent: Friday, December 30, 2005 8:45 AM

To: Tom Waters (b)(3) CIAAct

Cc: []

Subject: More on Status of Manuscript Review (PRB 12885-05)

Dear Tom:

We received your galley proofs yesterday and will begin our review.

Please note that we will make every effort to review this quickly but that you must wait for our final approval before publishing.

To summarize, we understand the prepublication review process has been protracted. But we stress that you do not have the Agency's final approval to publish except for the material we have specifically approved. As with any review where we ask for deletions or changes, you need to resubmit the material or certify in writing that they were made.

Regards,

PRB

Tom Waters wrote:

(b)(3) CIAAct
(b)(6)

Good morning []

I think we have some misscommunication. I was not expecting anything from the PRB regarding Class 11. I've already started on my next book.

If you recall, I sold the Class 11 manuscript a year ago. The changes you received in September were the final edits, around 12 pages. When PRB did not send written redactions nor request additional time after the required 30 days, we pressed on. The manuscript has now been copy edited, copies provided to reviewers, and we're awaiting the galleys. The reason you received the full electronic copy was due to your note that wisely

suggested

a review in October rather than wait on the galleys during the Holidays.

I'm surprised by your note. The guidelines (b)(3) CIAAct (b)(6)

state

PRB's role is only to identify classified material. It does not

declassify,

release, nor endorse the author's work. He made clear the 30 days prior restraint was the requirement under the current guidelines. We've long since past that point.

I know you guys are under a considerable workload (also outlined in his brief), but as I said in my last submission, we're set for publication in March 2005. To the best of my knowledge, we've met and exceeded these requirements. I've long since moved on to other projects.

I'll call you this morning to discuss.

Best,

Tom Waters

(b)(3) CIAAct

-----Original Message-----

(b)(6)

From:

Sent: Tuesday, December 13, 2005 1:50 PM

To: Tom Waters (b)(3) CIAAct

Cc:

Subject: Status of Manuscript Review (PRB 12885-05)

Dear Tom:

The status of our review of your rewritten manuscript "Class 11" is that we are attempting to set-up a meeting with our fellow reviewers in another office to compare notes. When this is done, we will compose our response to you. Please note that the unapproved manuscript should not be shared with others until final PRB approval is given and that galley proofs must also be approved before publishing.

Regards,

PRB